

## **REMARKS**

### **Drawings**

Proposed corrections to Figure 2 are enclosed herewith. Generally, reference number 20 is replaced by reference number 18.

### **35 U.S.C. §112 Rejections**

Claims 4, 14, and 15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, terms in claims 4, 14 and 15 were unclear. Claim 4 has been amended to clarify that "broadcast content" refers to "web broadcast content". Similarly, claims 14 and 15 have been amended to clarify that either the broadcast encoder or the content provider may set a first marker in a transmission.

### **35 U.S.C. §102(e) and 103(a) Rejections**

Claim 1 has been cancelled. Claim 11 has been amended to be written in independent form and claim 16 has been amended. Claim 11 and claim 16 are a method claim and an article claim respectively that call for setting a first marker in a video transmission, tracking the transmission after the first marker, providing an on-going count of bits transmitted and time elapsed from the point in time when the first marker is transmitted, and reporting the transmission. Claim 12 calls for an encoder that combines different transmissions, a device that sets a first marker in the transmission, and a counter that tracks the transmission from the point where the first marker was inserted.

At a minimum, Takasu does not provide an on-going count of bits transmitted or a counter that tracks the transmission. Thus, Takasu neither anticipates nor renders any of the claims obvious. If a reference or a combination of references does not teach or suggest each claim limitation, the claim is patentably distinct.

Takasu provides a counter. However, his counter is strictly limited to providing a single time-based numeral for the identification of a specific commercial message. For example, a commercial message is received and a time-based identification number is inserted into the message. See column 5, lines 8-18, 27-29, 37-46 and 62-67; Figures 2, 3 and 4. Specifically, a

time counter within an identification generating means 18 generates time-data used for identification purposes. *Id.* The time-data generated by the counter maybe any single time-point within the encoding process. See column 6, lines 60-65. Once generated, the identification data is inserted into the commercial message transmission. See column 6, lines 8-10; Figure 5. Thereafter, Takasu's counter has no other function. In particular, his counter does not count bits transmitted or track transmissions. Moreover, the identification data is not even transmitted.

The following is provided as additional support of the assertion that Takasu's counter has no function in relation to transmission. Once given a time-based identification number, the commercial message is assigned a file name. See column 6, lines 11-42; Figures 5 and 6. The identified commercial message with its file name is stored in a server 20 for later broadcast and is placed on a list, which is transferred to the transmission controller 40. *Id.* Before the commercial message is broadcast, a decoder 48 extracts the identification data. *Id.* Thereafter, the commercial message is transmitted without the identification time data. *Id.* Thus, a marker is never transmitted and no count is associated with a transmission.

The extracted time data is captured by the transmission controller 40 for comparison to the information saved in the list. Column 6, lines 46-55; Figure 7. Thus, the only time information provided by Takasu's counter is first inserted into a commercial message and later extracted from that commercial message for identification purposes only. Accordingly, an on-going timing or counting of bits transmitted or transmissions is neither taught nor suggested by Takasu.

In sum, Takasu's counter merely relates to providing a single time-based identification number for a particular commercial message. Once the identification data is provided no other counting in relation to that message takes place. Moreover, the time information is extracted before message transmission. Thus, Takasu does not provide an on-going count of bits transmitted and time elapsed from the point in time when a first marker is transmitted. Similarly, the counter provided by Takasu does not track the transmission of a signal from the point where the first marker was inserted. For at least these reasons, Takasu can not be relied on to reject claims pursuant to either §102 or §103. Accordingly, the Applicant respectfully requests that the rejection be withdrawn and the application be passed to issue.

Respectfully submitted,

Date: July 3, 2002



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APPENDIX

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JUL 17 2002

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Please cancel claim 1.

1           2.       (Amended) The method of claim [1] 11 including receiving web content  
2       transmissions and accompanying television broadcasts from a content provider.

1           4.       (Amended) The method of claim 2 including receiving web broadcast content  
2       from a content provider, combining the web broadcast content with television programming at a  
3       broadcast encoder and inserting the first marker at the broadcast encoder.

1           5.       (Amended) The method of claim [1] 11 including invoking a method which  
2       provides a handle to said first marker.

1           10.      (Amended) The method of claim [1] 11 including providing a log-in server,  
2       reporting a transmission to said log-in server and allowing a third party to access said log-in  
3       server to receive transmission reporting.

1           11.      (Amended) [The method of claim 1 including] A method for tracking video  
2       transmissions comprising:  
3               setting a first marker in the video transmission;  
4               tracking the transmission after said first marker;  
5               providing an on-going count of bits transmitted and time elapsed from the point in  
6       time when the first marker is transmitted; and  
7               reporting the transmission.

1           14.      (Amended) The system of claim 13 wherein said [device is part of the said  
2       encoder] broadcast encoder sets the first marker in the video transmission.

1           15.    (Amended) The system of claim 13 wherein said [device is part of said] content  
2 provider sets the first marker in the video transmission.

1           16.    (Amended) An article comprising a medium for storing instructions that cause a  
2 computer to:

3                   set a first marker in a transmission;

4                   track the transmission after said first marker; [and]

5                   provide an on-going count of bits transmitted and time elapsed from the point in

6 time when the first marker is transmitted; and

7                   report the transmission.